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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,279	06/30/2004	Lionel Guenoun	FR920030033	4278
32074 7590 07/11/2007 INTERNATIONAL BUSINESS MACHINES CORPORATION DEPT. 18G BLDG. 300-482 2070 ROUTE 52 HOPEWELL JUNCTION, NY 12533			EXAMINER SINGH, HIRDEPAL	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/710,279

Applicant(s)

GUENOUN ET AL.

Examiner

Hirdepal Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 5-14 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the filing date of June 30, 2004. Claims 1-14 are pending in the application and have been consider below.

#### ***Drawings***

1. The drawings are objected to because Figure 3 shows line 33 as "Tune Down" signal, whereas in description paragraph 0023 it is described as "tune done". Examiner suggests to change "tune down" as "tune done" for line 33 in figure 3 as explained above.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Description paragraph 0006 (referring to figure 1) Applicant talks about "...receiver 19 on input 20...." however in figure 1 there is no part (block) marked as 19. Appropriate correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

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Description paragraph 0017 referring to figure 2, Examiner note that there is no "time done" signal in the above mentioned figure, and suggest to make the correction as "tune done".

Also in paragraph 0019 in reference to figure 3 Applicant describe the subtractors as "Then, at each subsequent phase alignment operation, the number of steps which have been necessary to cancel the phase shift are subtracted in subtractor 46 for clock phase alignment circuit 38 in order to know the deviation value for each circuit."

However, the subtractor 46 is shown as related to clock phase alignment circuit 30, and the function of the subtractor 48 is not described.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 2-4 are objected to because of the following informalities:

Claim 2 recites the limitation "said phase control logic provides second phase shift signals in response to said output clock signal, each of said second phase shift signals being an input step to said clock management circuit to reduce to zero said phase shift in a number of steps." However, examiner note that the phase shift signals are generated in response to the comparison between two deviations values (as clearly stated in specifications paragraph 0019).

Claims 3, and 4 are objected as being dependant on an objected claim.

Appropriate correction is required.

***Allowable Subject Matter***

5. Claims 1, and 5-14 are allowed.
6. Claims 2-4 would be allowable if rewritten to overcome the objection, set forth in this office action and to include all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The present invention comprises a drift compensation system for adjusting the phase shift between sampling clock and the data clock. The closest prior art, (Bonaccio et al. US 2004/0264619) shows a similar system which also includes two different phase adjusting circuits and a control signal for controlling the oscillator based on the phase adjustment signal. However, Bonaccio fails to disclose the first phase adjustment/alignment circuit is tuned up/down based on the control signal, and when the first circuit is tuned (tune done), the second phase adjustment/alignment circuit starts operating, also for every phase adjustment/alignment operation the number of steps necessary for adjustment are calculated and compared to generate the tune up/down control signal as claimed. The distinct features have been added to the independent claims 1, and 5. Therefore, rendering them allowable.

**Conclusion**

8. This application is in condition for allowance except for the following formal matters:

The drawings (figures 1, and 3), specifications, and claims 2-4 are objected to as discussed above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hirdepal Singh whose telephone number is 571-270-1688. The examiner can normally be reached on Mon-Fri (Alternate Friday Off) 8:00AM-5:00PM EST.

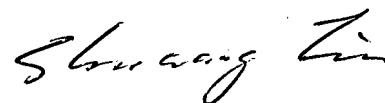
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HS  
June 28, 2007

Shuwang Liu  
SPE 2611



**SHUWANG LIU**  
**SUPERVISORY PATENT EXAMINER**